

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

STEPHEN E. FURBY, et al.,

Plaintiffs,

v.

CATHERINE D. LANG, et al.,

Defendants.

4:10-cv-03063-LSC-FG3

ORDER TO CONSOLIDATE CASES

LARRY D. MULLIGAN, et al.,

Plaintiffs,

v.

CATHERINE D. LANG, et al.,

Defendants.

4:10-cv-03192-LSC-FG3

ORDER TO CONSOLIDATE CASES

This matter is before the court on the "Notice of Related Cases and Motion to Consolidate" filed by the plaintiffs in Case No. 4:10-cv-03192. The defendants advised the court (Doc. 14 in Case No. 4:10-cv-03192) that they take no position on the Motion to Consolidate, and the *Furby* plaintiffs do not object to consolidation (Doc. 29 in Case No. 4:10-cv-03063). The court finds that consolidation pursuant to Fed. R. Civ. P. 42(a) is warranted. Accordingly,

IT IS ORDERED that the motion for consolidation (Doc. 5 in Case No. 4:10-cv-03192) is granted, as follows:

1. Cases Nos. 4:10-cv-03063 and 4:10-cv-03192 are hereby consolidated for discovery, trial, and all other purposes. The cases will be tried to the court in Lincoln, Nebraska.

2. Case No. 4:10-cv-03063 is hereby designated as the "Lead Case." Case No. 4:10-cv-03192 is hereby designated as the "Member Case."

3. The court's CM/ECF System has the capacity for "spreading" text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in all Member Cases. To this end, the parties are instructed to file all further documents (except those described in paragraph 4 below) in the Lead Case, No. 4:10-cv-03063, and to select the option "yes" in response to the System's question whether to spread the text.

4. The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; or to file items related to service of process.

5. If a party believes that an item in addition to those described in paragraph 4 should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more member cases. The motion must be filed in all the consolidated cases using the spread text feature.

DATED January 4, 2011.

BY THE COURT:

**s/ F.A. Gossett, III
United States Magistrate Judge**